

Press Release
5/29/08
Joe Kolman 444-9280

Comments sought on trust land conservation easement study

The state Land Board, which includes the state's top elected officials, may generate revenue using several different approaches when it comes to conservation measures on state trust lands, according to a draft report prepared by the Environmental Quality Council (EQC).

The draft report is available for public comment from June 1 through June 30. Comments will be compiled and presented to the EQC at its July meeting in Helena. The panel comprised of legislators and public members will consider a final version of the report in September.

The 2007 Legislature passed House Joint Resolution 57, which assigned a study of conservation easements on state trust lands, after defeating a bill that would have changed the law. The draft report, which recommends no changes to current law, found that the Land Board already has several legal options.

The Land Board oversees the management of about 5 million acres of land for the benefit of schools as well as other institutions.

State law allows for the granting of easements for "conservation purposes" in three fairly specific scenarios. However, the Land Board also may:

- * sell an estate or interest in state trust lands. This interest could include the sale of development rights. The authority includes the ability to sell or retain an estate or interest in perpetuity.

- * retain an estate or interest in state trust lands, including the retention of development rights.

- * grant an easement for "other public uses," which are not defined.

- * grant easements on state trust lands for natural areas under the Montana Natural Areas Act of 1974.

- * accept gifts or donations of land or other property and is obligated to manage the land for the benefit of the specific purposes designated by the person gifting the property. This could include conservation restrictions on the property.

- * lease trust lands for up to 99 years for uses that could, and have included, conservation uses.

The full report: "Trust Land Management - An analysis of conservation easements and other uses of state trust land" is available online at: www.leg.mt.gov/eqc

Copies also may be obtained from the EQC office by calling (406) 444-3742.

Comments may be submitted by email to jkolman@mt.gov. Please include HJ57 in the subject line.

To submit comments by mail, send to: Joe Kolman, Legislative Environmental Policy Office, Room 171A, P.O. Box 201704, Helena MT 59620-1704.